

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 00-6023-CIV-HURLEY

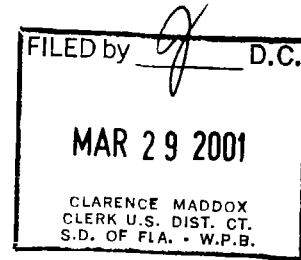
R/S ASSOCIATES, a Florida limited
partnership, and DAN SHOOSTER,

Plaintiffs,

vs.

BOB YARI, FORUM ARLINGTON
PROPERTIES, LTD., and ALLIANCE
COMMERCIAL MANAGEMENT,

Defendants.



ORDER ON TRIAL PREPARATION

THIS CAUSE is nearing a previously-set trial date. To the extent that any provision in this order may conflict with an earlier order, this order shall supersede all prior orders. Accordingly, it is **ORDERED** and **ADJUDGED**:

Pretrial Stipulation, Trial Exhibits & Depositions

1. Not later than ten (10) days prior to the **calendar call**, counsel for all parties shall meet and prepare the **pretrial stipulation** required by Local Rule 16.1(E). The pretrial stipulation shall be filed with the court no later than five (5) days prior to the **calendar call**.

2. Each party shall mark the exhibits **numerically** prior to the pretrial stipulation meeting. Each exhibit shall be marked with a sticker, available from the Clerk's office, identifying the case number, exhibit number, and party offering the exhibit. All exhibits shall be shown to opposing counsel at the pretrial stipulation meeting. Each party shall list its exhibits on Form AO 187, which is available from the Clerk's office.

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3. Also at the pretrial stipulation meeting, counsel shall provide opposing counsel with a list of the depositions which are intended to be used at trial, citing relevant page and line numbers.

Joint Submission on Jury Instructions

4. For all jury trials, not later than ten (10) days prior to the **calendar call**, counsel for all parties shall meet and prepare a **joint submission on jury instructions**. The submission shall consist of one hard copy and one PC- compatible disk. The joint submission shall consist of three clearly designated sections: (1) instructions requested by all parties to which there is no objection; (These should be marked: "Requested by all parties.") (2) instructions requested by plaintiff to which defendant objects (These should be marked : "Requested by Plaintiff, Defendant Objects.") (3) instructions requested by defendant to which plaintiff objects; (These should be marked: "Requested by Defendant, Plaintiff Objects"). The requesting party for any contested instruction, shall list a single citation supporting the legal principle in the proposed instruction and attach a copy of the supporting authority. The joint submission on jury instructions shall be filed with the court no later than five (5) days prior to the **calendar call**.

Proposed Findings of Facts & Conclusions of Law

5. For all non-jury trials, ten (10) days prior to the **calendar call**, plaintiff's counsel shall prepare, and submit to opposing counsel, proposed findings of fact and conclusions of law. This submission shall consist of one hard copy and one PC-compatible disk. Utilizing plaintiff's submission, defense counsel shall note "objection" or "no objection" next to each proposed finding

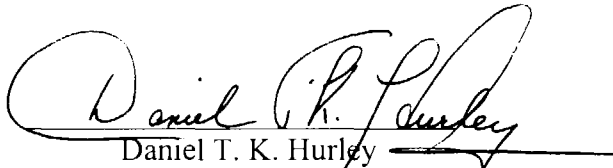
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and conclusion. Also, defense counsel shall prepare and submit alternate or contrary findings and conclusions. Not later than five (5) days prior to the **calendar call**, defense counsel shall file with the court: (1) Plaintiff's hard copy and the PC-compatible disk, both containing defendant's annotations, and (2) defendant's proposed findings and conclusions.

Exhibit List

6. On the first day of trial, each party shall hand to the court reporter **two complete copies of the exhibit list**. The list, set out on Form AO 187 (available from the Clerk's office) shall indicate the pre-marked number, a brief description of the exhibit and shall contain a space or a line for the court's ruling on the admissibility of each exhibit.

DONE and **SIGNED** in Chambers at West Palm Beach, Florida, this 28~~th~~ day of March, 2001.


Daniel T. K. Hurley
U. S. District Judge

Copies provided to:
Elaine Johnson James, Esq.
Keith A. Goldbaum, Esq.